

ENTERED

July 18, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

HIL-TECH, LLC,

§

Plaintiff,

§

VS.

CIVIL ACTION NO. 4:22-CV-02310

§

SHREE MAHALAXMI INDUSTRIES, *et al.*,

§

Defendants.

§

ORDER

Before the Court is United States Magistrate Judge Yvonne Y. Ho's Memorandum and Recommendation filed on July 3, 2023. Doc. #81. The deadline for filing objections has passed, and no objections have been filed. Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Memorandum and Recommendation for clear error. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Finding no clear error, the Court adopts the Memorandum and Recommendation in its entirety.

Accordingly, Defendant Alfa Laval AB's Motion to Dismiss for Lack of Personal Jurisdiction (Doc. #72), Plaintiff's related Motion for Extension of Time to Respond (Doc. #77), and Plaintiff's Motion for Discovery and Evidentiary Hearing (Doc. #78) are DENIED as MOOT pursuant to Plaintiff's self-executing Notice of Voluntary Dismissal (Doc. #80). Moreover, Defendant Alfa Laval India Pvt. Ltd.'s Motion to Dismiss for Lack of Personal Jurisdiction (Doc. #50) is GRANTED, Plaintiff's Motion for Extension to time to file Response (Doc. #59) is DENIED, and Plaintiff's related Motion for Jurisdictional Discovery and Evidentiary Hearing (Doc. #60) is DENIED. Plaintiff's claims against Defendant Alfa Laval India Pvt. Ltd. are

DISMISSED without prejudice for lack of personal jurisdiction. Additionally, Defendants Alfa Laval Inc., Alfa Laval Separation Inc., and Alfa Laval USA Inc.'s Motion for Leave to file Motion to Strike (Doc. #47) is DENIED as MOOT.

Lastly, per Judge Ho's Memorandum and Recommendation (Doc. #81), Defendant Seaboard Foods Service Inc.'s Motion to Dismiss (Doc. #49) is GRANTED. Plaintiff's Motion for Leave to Amend its Complaint (Doc. #53) is GRANTED IN PART with respect to its claim against Defendant Seaboard Foods Service Inc. for breach of express indemnity agreement and DENIED IN PART with respect to Plaintiff's other claims. Doc. #81 at 36. Plaintiff's Request for an Indefinite Extension to Amend (Doc. #52) is DENIED—Plaintiff must amend its pleading by July 30, 2023.

For clarity, Plaintiff's claims against Defendant Shree Mahalaxmi Industries, and its soon-to-be-amended claim against Seaboard Foods Service Inc. for breach of an indemnity agreement remain pending.

It is so ORDERED.

JUL 18 2023

Date

The Honorable Alfred H. Bennett
United States District Judge

